

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Date: December 22, 2005

DOUGLAS M. FIELDHOUSE and KINGSLEY R. WICK

Serial No. : 10/032,900

Examiner Rexford N. Barnie

Filed : December 26, 2001

Group Art Unit 2643

For : TOLL-FREE CALLING ACCOUNT RECHARGE SYSTEM AND
METHOD

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

RESPONSE TO OFFICE ACTION

In response to the Office action dated September 1, 2005, please consider the following amendments and remarks:

Amendments to the Specification	Begin on page 2.
Amendments to the Claims	Begin on page 6.
Amendments to the Drawings	None.
Remarks	Begin on page 17.

Amendments to the Specification:

Please make the following amendments to the specification. Material to be inserted in replacement paragraphs or sections is in **bold and underline**, and material to be deleted is in ~~strikeout~~ or (if the deletion is of five or fewer consecutive characters or would be difficult to see) in double brackets [[]].

Please *replace* the paragraph beginning on page 15, line 8, with the following rewritten paragraph:

Fig. [[12C]] **13** shows a recharge menu, which may be the dedicated recharge menu 25 or multifunction recharge menu 27 as discussed above. The recharge menu typically includes a recharge by web option 19c, 19g configured to connect the wireless telephone device 18 to recharge website 36a, and/or a recharge by telephone option 19d, 19f configured to initiate a telephone call to IVR system 40 or CSR 38.

Please *add* the following new paragraphs, beginning on page 18, line 10:

For example, such fraud detection measures may be applied in association with a payment account that a user may desire to use to pay for a recharge option. An exemplary method of fraud detection may thus include receiving a payment account designator, such as a credit card number, from the user. Optionally, as mentioned above, such information may be stored in a user profile on record with the recharge service. The fraud detection method may further include assessing a risk level of the transaction, by identifying any fraud indicators

associated with the payment account. Such fraud indicators may relate to past transactions, such as authorization failures, mismatches between information provided by the user and that provided by an authorization server, excessive order history, chargebacks, or may relate to the pending transaction, such as whether the call is placed from a high-risk area and/or an area other than that associated with the payment account, and so forth. Such fraud indicators may be detected by receiving information from the user, querying records stored in a database that contains customer and/or payment accounts records, requesting information from an authorization server and/or the issuer of the payment account, and so forth.

A risk level for the recharge option transaction may be determined, or assessed, by assigning each identified fraud indicator a value, such as according to a predetermined weighted system or other value assigning system. The exemplary method may continue by determining whether the assessed risk level meets or exceeds a predetermined threshold. If the assessed risk level does not meet or exceed a predetermined threshold, then the recharge option transaction may proceed to fulfillment after completing any necessary authorization steps (for example, verifying with an authorization server and/or an issuer that there are sufficient funds or credit associated with the payment account to authorize the transaction). If the assessed risk level meets or exceeds a predetermined threshold, the order may be reviewed by a fraud clerk or other customer service personnel, and fulfillment of the order may be deferred until (or unless) the order is verified by such personnel. Order verification may be obtained, for example, by contacting the issuer of the payment account and determining whether information given by the user matches that in the issuer's records. The user then may be contacted, either to verify the order, if there is a match, or to collect further information, if there is a mismatch. The method may include repeated checking of information given by the user, until a fraud clerk determines

whether or not the order should be verified. If the order is verified, the method may conclude by fulfilling the order, such as by completing the recharge transaction. If an order is not verified, the method may include canceling the order.

Please **replace** the paragraph beginning on page 18, line 10, with the following rewritten paragraph, to follow the two new paragraphs as added above:

[[If]] **Thus, as mentioned in the exemplary fraud detection method described above,** **if** there is a problem in fraud detection, the user is ~~typically~~ **may be** transferred to a customer service representative. In addition, at virtually any other time during the recharge process, the user may select a “call to service representative” option 33 from the recharge home page 36a’’ or recharge amount options page 36a’. This option will place a call via the PSTN from wireless handset 18 to customer service representative 38.

Please **replace** the paragraph beginning on page 19, line 12, with the following rewritten paragraph:

Turning now to Fig. [[4]] **20**, a toll free access system is shown generally at 200. Toll free access system 200 typically includes a wireless handset 202, a toll free gateway 204, and a plurality of web sites 206. Typically, web sites 206 are merchant sites at which the user may purchase goods and/or services. Typically, toll free gateway 204 is located at a predetermined, provisioned telephone number that users of wireless handset 202 may access, free of charge. A web page is served from a server located at toll free gateway 204 to telephone 202, featuring a

list of remote web sites 206. Prior web enabled telephones have been configured to access the Internet on a metered basis. That is, typically the user has been charged for each minute of “connect time” during which wireless telephone 18 is connected to the Internet via wireless network 30. In contrast, gateway 204 is configured for toll free access. The user does not incur any long distance or per minute wireless access charges to call the gateway 204. Thus, the user may access the gateway, and the various web sites 206 linked thereto, without incurring any wireless access or long distance charges. Thus, even when user’s prepaid calling account has a zero balance, the user is able to call gateway 204 and shop at merchant web sites 206. Typically, the user’s telephone carrier has configured its telephone switches to detect when the user dials the predetermined telephone number of the gateway 204, and prevent connect time access charges from being applied to the call. The present system has the advantage that users are not charged for shopping at merchant sites 206. Thus, users may spend more time shopping at these sites free of charge, and make more purchases, thereby benefiting both the consumer and the merchant.

Listing of Claims:

This listing of claims reflects all claim amendments and replaces all prior versions, and listings, of claims in the application. Material to be inserted is in **bold and underline**, and material to be deleted is in ~~strikeout~~ or (if the deletion is of five or fewer consecutive characters or would be difficult to see) in double brackets [[]].

1. (Previously Presented) A wireless telephone device having an associated stored-value calling account, the wireless telephone device comprising:

a selector;

a communications program configured to communicate with a recharge service via a communication network; and

a recharge option selectable by a user upon actuation of the selector, the recharge option being configured to cause the communications program to initiate both a connection to the communication network and a recharge transaction with the recharge service via the communication network, in order to add calling units to the stored-value calling account.

2. (Original) The wireless telephone device of claim 1, wherein the communication network includes a WAN, and the recharge option is configured to cause the communications program to contact a recharge server of the recharge service via the WAN.

3. (Original) The wireless telephone device of claim 2, wherein the recharge server is a web server, the communications program includes a web browser, and the recharge option is a link to the web server of the recharge service.

4. (Original) The wireless telephone device of claim 3, wherein selection of the link causes the web browser to download a recharge web site for display on the wireless telephone device.

5. (Original) The wireless telephone device of claim 4, wherein the recharge web site displayed on the wireless telephone device includes a user-selectable recharge amount.

6. (Original) The wireless telephone device of claim 3, wherein the recharge option is a bookmark that is, upon selection, configured to download a web page from the recharge server at the recharge service.

7. (Original) The wireless telephone device of claim 2, wherein the recharge option is configured to cause the communications program to contact a recharge server of the recharge service and add a predetermined recharge amount to the stored-value calling account.

8. (Original) The wireless telephone device of claim 7, wherein the predetermined recharge amount is added to the calling account without further user-input.

9. (Original) The wireless telephone device of claim 7, wherein the fee for the predetermined recharge amount is billed according to information stored in a user profile on record with the recharge service.

10. (Original) The wireless telephone device of claim 1, wherein the communications program includes a telephone communications program and the communication network includes the PSTN, (and wherein selection of the recharge option is configured to cause the telephone communications program to initiate a telephone call to the recharge service.

odd
to new
claim 13

11. (Original) The telephone device of claim 10, wherein the recharge option is configured to initiate a telephone call to an Integrated Voice Response system at the recharge service.

12. (Original) The telephone device of claim 10, wherein the recharge option is configured to initiate a telephone call to a live customer service representative at the recharge service.

13. (Original) The wireless telephone device of claim 10, wherein the recharge option is an entry in a contacts list, the entry, upon selection, being configured to cause the telephone communications program to initiate a telephone call to the recharge service.

14. (Original) The wireless telephone device of claim 1, wherein the selector is a key.

15. (Original) The wireless telephone device of claim 14, wherein the selector is soft key.

16. (Original) The wireless telephone device of claim 14, wherein the selector is a hard key.

17. (Original) The wireless telephone device of claim 1, wherein the selector is an icon on a touch screen.

18. (Original) The wireless telephone device of claim 1, wherein the selector is a voice command.

19. (Original) The wireless telephone device of claim 1, wherein the recharge option is presented along with a start up menu of the telephone.

20. (Original) The wireless telephone device of claim 1, further comprising, a low-

balance indicator configured to indicate to the user that the account balance of the stored-value calling account has dropped below a predetermined threshold.

21. (Original) The wireless telephone device of claim 1, wherein the recharge option is selectable by at most one touch by the user, from a top menu of the wireless telephone device.

22. (Original) The wireless telephone device of claim 1, wherein the recharge option is selectable by at most two touches by the user, from a top menu of the wireless telephone device.

23. (Original) The wireless telephone device of claim 1, wherein communication program is configured to access a toll-free gateway in the communication network when communicating with the recharge service.

24. (Previously Presented) A method of recharging a stored-value calling account, comprising:

installing a recharge option in a wireless telephone device, the recharge option being configured to initiate a recharge transaction, in order to add calling units to a stored-value calling account associated with the wireless telephone device;

displaying the recharge option on the wireless telephone device;

receiving a user selection of the recharge option; and

in response to the received user selection of the recharge option, both establishing a connection to a communication network and initiating the recharge transaction.

25. (Original) The method of claim 24, further comprising:

detecting that a balance of the stored-value calling account associated with the wireless

telephone device is below a predetermined amount.

26. (Original) The method of claim 25, wherein the step of detecting occurs upon power-up of the device.

27. (Original) The method of claim 24, wherein the recharge option is displayed on a start-up menu of the device.

28. (Original) The method of claim 24, wherein the recharge option is displayed as a menu option on a display of the wireless telephone device.

29. (Original) The method of claim 24, wherein the recharge option is displayed as an icon on a display of the wireless telephone device.

30. (Original) The method of claim 25, the user selection of the recharge option is made by selection of a menu option on the display.

31. (Original) The method of claim 25, the user selection of the recharge option is made by selection of a key on the wireless telephone device.

32. (Original) The method of claim 31, the key is a soft key.

33. (Original) The method of claim 31, the key is a hard key, dedicated to performing a recharge function.

34. (Original) The method of claim 24, wherein, from a top menu of the wireless telephone device, the recharge option is configured to be selected by at most one touch of a key by a user.

35. (Original) The method of claim 24, wherein, from a top menu of the wireless telephone device, the recharge option is configured to be selected by at most two touches of keys on the wireless telephone device by a user.

36. (Original) The method of claim 24, wherein the step of establishing communication includes sending a message from the wireless telephone device to a recharge server at the recharge service, via a WAN.

37. (Original) The method of claim 36, wherein the wireless telephone device includes a web browser, the method further comprising, downloading a recharge web site from the recharge service, and displaying the web site on the wireless telephone.

38. (Original) The method of claim 37, wherein the recharge option a bookmark on the wireless telephone device, the bookmark leading to the recharge web site.

39. (Original) The method of claim 37, wherein the recharge website includes a recharge amount option, the method further comprising, receiving user selection of the recharge amount option.

40. (Currently Amended) The method of claim 24, further comprising **receiving information relating to a payment account for paying for the user-selected recharge option, and** applying fraud detection measures ~~to the transaction~~ **in association with the payment account.**

41. (Original) The method of claim 24, further comprising, processing the recharge transaction and adding calling units to the stored value account.

42. (Previously Presented) The method of claim 24, wherein the recharge option is a telephone link to the recharge service, and establishing a connection includes calling the recharge service via a PSTN.

43. (Original) The method of claim 42, wherein the recharge option is a telephone link to an Integrated Voice Response system at the recharge service.

44. (Original) The method of claim 42, wherein the recharge option is a telephone link to a live customer service representative at the recharge service.

45. (Original) The method of claim 41, wherein the recharge option an entry in a contacts list on the wireless telephone device.

46. (Previously Presented) The method of claim 24, wherein connection to the communication network is established at least partially via a toll-free gateway on the communication network.

47. (Previously Presented) A pre-paid wireless telephone recharge system, comprising:
a recharge server connected to a communication network, the recharge server being configured to perform a recharge transaction on a stored-value telephone calling account; and
a web-enabled wireless telephone device having a recharge option installed thereon, the recharge option being selectable by a user upon actuation of a user input device on the wireless telephone device, the recharge option further being configured to cause a communication program on the wireless telephone device to initiate both a connection to the communication network and a recharge transaction with the recharge server via the communication network, in order to add calling units to the stored-value calling account.

48. (Original) The system of claim 47, wherein, from a top menu of the wireless

telephone device, the recharge option configured to be selectable by a user of the wireless telephone device by at most two touches of a user input device of the wireless telephone device.

49. (Previously Presented) The system of claim 47, wherein, from a top menu of the wireless telephone device, the recharge option configured to be selectable by a user of the wireless telephone device by at most one touch of a user input device of the wireless telephone device.

50. (Previously Presented) The system of claim 47, wherein the communication network includes a WAN, and the communication program includes a web browser, and wherein upon selection of the recharge option, the web browser is configured to download a recharge website from a recharge server at the recharge service.

51. (Previously Presented) The system of claim 47, wherein the communication network includes a PSTN, and the communication program includes a telephone communications program, and wherein upon selection of the recharge option, the telephone communications program is configured to place a telephone call to the recharge service.

52. (Original) The system of claim 47, wherein the communication network includes a toll-free gateway, and the communication program is configured to route traffic related to the recharge transaction through the toll-free gateway.

53. (Previously Presented) A wireless telephone device, including:

a user interface having a top menu;

a recharge option installed in the top menu, the recharge option being, upon selection, configured to initiate both connection to a communication network and a recharge transaction, in order to add calling units to a stored value calling account associated with the wireless telephone device.

54. (Previously Presented) A method for use in a wireless telephone device having a display, the method comprising:

storing in the device while the device is not in communication with a recharge service, a calling balance of a stored value calling account;

detecting that the stored calling balance is lower than a predetermined threshold; and

presenting a recharge option on a display of the device, the recharge option, when selected by a user, being configured to initiate both a connection to a communication network and a recharge transaction, in order to add calling units to the stored value calling account.

55. (Currently Amended) A method of recharging a stored-value calling account, comprising:

installing a recharge option in a wireless telephone device, the recharge option being configured to initiate a recharge transaction, in order to add calling units to a stored-value calling account associated with the wireless telephone device;

displaying the recharge option on the wireless telephone device;

receiving a user selection of the recharge option;

establishing a connection to a communication network;

initiating the recharge transaction;

receiving information relating to a payment account for paying for the user-selected recharge option; and

applying fraud detection measures ~~to the transaction~~ **in association with the payment account.**

REMARKS

The above amendments and these remarks are responsive to the Office action mailed September 1, 2005. This response is accompanied by a petition and fee to extend the period for response by one month from December 1, 2005 to January 1, 2006.

Currently, claims 1-55 are pending. The Office action indicates that:

(a) claims 1-15, 20, 24, 25, 47, and 53 stand rejected as being anticipated by Suryanarayana et al. (U.S. Patent No. 6,487,401);

(b) claims 16-19, 21-23, 26-39, 41-44 and 48-51 stand rejected as being unpatentable over Suryanarayana in view of Dahm, et al (U.S. Patent No. 6,466,783);

(c) claims 45, 46 and 55 stand rejected as being unpatentable over Smith et al. (U.S. Patent No. 6,084,951) in view of Henderson et al. (U.S. Patent No. 6,327,363), and claims 24 and 53 also stand rejected over this combination;

(d) claims 40 and 52 stand rejected as being unpatentable over Suryanarayana in view of Henderson; and claim 55 also stands rejected over this combination;

(e) claim 54 stands rejected as being unpatentable over Raith (U.S. Patent No. 6,493,547) in view of Suryanarayana.

In view of the remarks below, applicants respectfully request reconsideration of the application under 37 C.F.R. § 1.111, withdrawal of the rejections, and allowance of the pending claims.

Amendments to the Specification

The specification has been amended in several places for correction of typographical errors and for completeness of disclosure.

More specifically, the paragraphs beginning on page 15, line 8, and on page 19, line 12,

respectively, have been amended to correct typographical errors. No new matter is entered by way of these amendments, which reconcile the detailed description with the drawings.

Also, two new paragraphs have been added, beginning on page 18, line 10. The two new paragraphs detail exemplary steps of a fraud detection method that may be applied in association with a payment account that a user may desire to use to pay for a recharge option. Support for these new paragraphs can be found in the application as filed and in U.S. Patent No. 6,516,056 to Justice, which issued from U.S. Patent App. Ser. No. 09/479,768, the disclosure of which is specifically incorporated by reference in the application as filed. More specifically, support for these new paragraphs can be found in Justice 4:34-40; 8:53-54; 8:65-9:9; 9:24-26; 9:41-59; 9:65-10:7; 11:1-13; 13:1-3; 13:11-12; 13:49-50; 17:55-19:10; and Figs. 3-9. As such, no new matter is entered by way of these amendments.

Finally, the paragraph beginning on page 18, line 10, which follows the two new paragraphs discussed above, has been amended for consistency and clarity with respect to the new paragraphs. No new matter is entered by way of these amendments.

Rejections under 35 USC § 102

Claims 1-15, 20, 24, 25, 47, and 53 stand rejected as being anticipated by Suryanarayana. Applicants note that the Suryanarayana patent was filed on December 18, 2000. Pursuant to 37 C.F.R. § 1.131, applicants submit herewith a declaration demonstrating invention of the claimed subject matter in this country prior to the filing date of the Suryanarayana patent. Particularly, applicants declare that conception of their invention occurred prior to December 18, 2000. Such prior conception is demonstrated, in part, by the story boards and other documents referenced in the declaration, which were created earlier than that date. Applicants also declare that they acted

diligently to reduce the invention to practice from a time prior to October 26, 2000 to the filing date of this application. Such diligence is demonstrated, in part, by their filing of a provisional application covering the invention on December 29, 2000. In view of applicants' prior invention of the subject matter of the pending claims, the rejections of the aforementioned claims under 35 U.S.C. § 102(e) should be withdrawn.

However, even ignoring applicants' prior invention of the subject matter recited in the claims rejected under 35 U.S.C. § 102(e), applicants submit that the rejection is improper. To anticipate a claim under 35 U.S.C. § 102, every element of the claim must be disclosed in a single prior art reference. However, the rejected claims include limitations not disclosed in Suryanarayana.

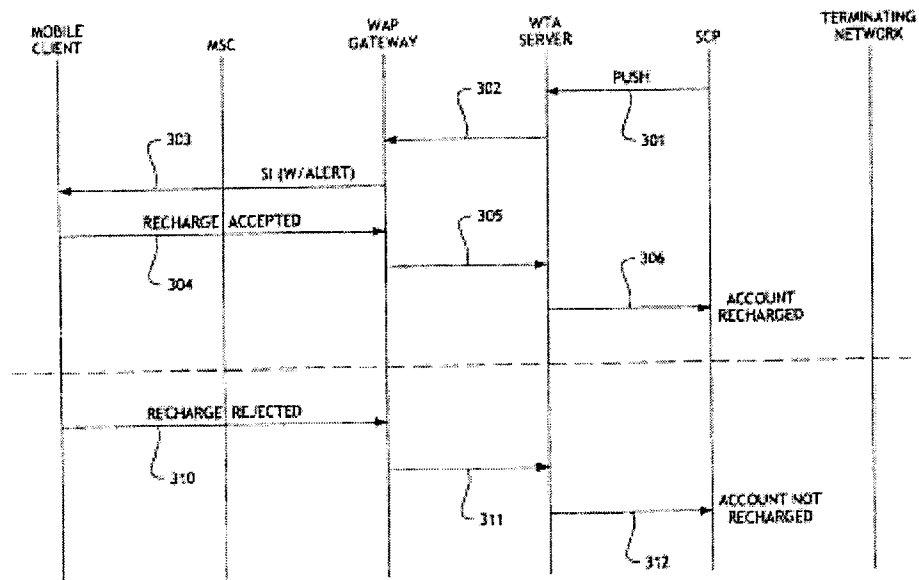
For example, independent claim 1 recites a wireless telephone device comprising, in part, a *"recharge option ... configured to cause the communications program to initiate both a connection to the communications network and a recharge transaction."*

However, Suryanarayana fails to disclose at least this limitation. More particularly, the Suryanarayana reference fails to disclose a recharge option that is configured to initiate either (1) a connection to the communication network or (2) a recharge transaction.

Remarks noting this distinction were presented in applicants' previous response filed June 24, 2005, but the tenor of the rejections in the present Office action indicates that applicants may have failed to clarify the distinction sufficiently. Applicants believe the following remarks more clearly set forth the failure of the Suryanarayana reference to properly anticipate the rejected claims, and thank the Examiner for considering them.

First addressing the nature of the connection to the communications network disclosed by the Suryanarayana reference, the prepaid wireless telephone account regeneration system clearly

indicates that all connections to a communications network regarding a prepaid calling account are initiated by a *recharge server*, and never by the *wireless device*.



Suryanarayana explains that “The process starts by the service control point (SCP) performing a push operation (301) to inform the cellular telephone user that a recharge of the prepaid account may be required” (4:6-8). The push signal containing the recharge information is then sent to a WTA server, forwarded to the WAP gateway, and then sent over the air to the WTA client in the mobile terminal (4:27-31).

software via the WAP network” (5:45-48). Referring to Fig. 8, the reference explains that the SCP authorizes a call placed by the mobile client, and notifies the mobile client of the anticipated cost of the call; the user may then continue or terminate the call (8:9-17).

Thus, in the Suryanarayana reference, communications relating to recharge and account information are *always* initiated by the SCP. **In other words, the mobile terminal (or wireless device) of the Suryanarayana reference never itself *initiates* or *establishes* such a connection to a communications network**, and it is not disclosed to be configured to do so. As such, Suryanarayana fails to disclose or suggest a wireless telephone device that includes a recharge option configured to initiate or establish a connection to a communications network. For at least this reason, Suryanarayana fails to anticipate the aforementioned claims.

Next addressing the nature of the recharge transaction disclosed by the Suryanarayana reference, a careful reading of the reference indicates that a recharge transaction is also always initiated by the SCP, and never by the wireless device.

As noted above, Suryanarayana teaches that the SCP informs the cellular telephone user that a recharge of the prepaid account may be required. The push signal containing the recharge information is sent from the SCP to the WTA client in the mobile terminal. At this point, the user decides whether or not to respond to the recharge notification, for example by accepting or rejecting the notification (4:37-41). “If the user accepts the recharge notification, the mobile client sends a ‘recharge accepted’ signal (304) to [the WTA server, which then] forwards the acceptance signal to the SCP” (4:42-46), at which point the SCP recharges the prepaid account (4:47).

It is important to note that a user signal that accepts or declines a recharge transaction, or otherwise responds to the recharge notification, is only *responsive* to a recharge transaction that

is initiated by a source external the mobile terminal: the SCP. **In other words, the mobile terminal (or wireless device) of the Suryanarayana reference may *complete* a recharge transaction, but never *initiates* one: the recharge transaction is *always* initiated by the SCP.** As such, Suryanarayana fails to disclose or suggest a wireless telephone device that includes a recharge option configured to initiate a recharge transaction. For at least this reason, Suryanarayana fails to anticipate the aforementioned claims.

Thus, because the mobile devices disclosed by Suryanarayana do not have a recharge option configured to cause the communications program to initiate either (1) a connection to a communication network or (2) a recharge transaction with the recharge service via the communication network, Suryanarayana cannot anticipate independent claim 1, or claims 2-15 and 20, which depend therefrom.

Similarly, independent claim 24 recites a method of recharging a stored-value calling account, comprising, in part, a “*in response to the received user selection of the recharge option, both establishing a connection to a communication network and initiating the recharge transaction.*” Independent claim 47 recites a pre-paid wireless telephone recharge system that includes a wireless telephone device having a “*recharge option ... configured to cause a communication program on the wireless telephone device to initiate both a connection to the communication network and a recharge transaction.*” Independent claim 53 recites a wireless telephone device that includes, in part, a “*recharge option ... configured to initiate both connection to a communication network and a recharge transaction.*” Thus, although each of the aforementioned claims recites different subject matter, they all share the common limitation of a wireless telephone device that includes a recharge option configured to initiate both (1) a connection to the communication network and (2) a recharge transaction. As shown above, since the mobile

devices disclosed by Suryanarayana do not have a recharge option configured to cause the communications program to initiate either (1) a connection to a communication network or (2) a recharge transaction with the recharge service via the communication network, Suryanarayana cannot anticipate independent claims 24, 47, or 53. Furthermore, because claim 25 depends from independent claim 24, this claim is allowable for at least the same reasons.

Accordingly, rejection of dependent claims 2-15, 20, and 25 also should be withdrawn for at least this reason.

Rejections under 35 USC § 103

Claims 16-19, 21-23, 26-39, 41-44 and 48-51 were rejected as being unpatentable over Suryanarayana in view of Dahm. These rejected claims all depend, either directly or indirectly, from independent claims 1, 24, or 47, which stand rejected under 35 U.S.C. § 102(b) over Suryanarayana. However, as discussed above, these rejections either are improper because Suryanarayana fails to disclose all of the limitations of these independent claims, or are obviated in light of applicants' declaration demonstrating completion of their invention in this country prior to the filing date of the Suryanarayana patent.

Also, as was demonstrated in applicants' previous response filed on June 24, 2005, Dahm similarly fails to disclose at least a wireless telephone device that includes a recharge option configured to initiate both a connection to the communication network and a recharge transaction. As such, no combination of Dahm with Suryanarayana can suffice to render obvious either the independent claims, or the claims that depend therefrom. Accordingly, applicants respectfully traverse the rejection of these claims and request that the rejection be withdrawn.

Claims 24, 45, 46, 53, and 55 were rejected as being unpatentable over Smith in view

of Henderson. Applicants respectfully traverse the rejection of these claims, for at least the reason that the proposed combination fails to teach at least some of the limitations of the rejected claims. For example, neither Smith nor Henderson discloses a wireless telephone device with an associated stored-value calling account, as required by each of the rejected claims. Further, neither Smith nor Henderson discloses a recharge option configured to initiate a recharge transaction in order to add calling units to the stored-value calling account, as required by each of the rejected claims.

In addition, applicant suggests that both references are nonanalogous art to this application, and that any combination of the references is impermissibly based on hindsight reconstruction. The disclosure of Smith is limited to graphical user interfaces in telephone devices, and is entirely unconcerned with wireless services, such as calling accounts associated with the telephone devices, much less whether such a calling account is post-paid or stored-value in nature. Smith also fails to make any mention of using a customized contact entry in a telephone device as a “recharge option” as the term is used in the applicants’ disclosure.

As such, the Smith reference is nonanalogous art inasmuch as it is neither within the field of applicants’ endeavor, being unconcerned with stored-value calling accounts, nor is it reasonably pertinent to the subject matter for which protection is being sought: for example, Smith is directed to the problem of storage of information in a telephone device (2:46-55).

Similarly, the disclosure of Henderson is limited to applications that provide customer service by using a network-based database to collect customer, product, and vendor data and to route incoming calls from customers to an appropriate service center. Much of the Henderson disclosure is concerned with handling a customer phone call after a customer service network receives such a phone call, in terms of routing or otherwise directing the phone call to a particular

destination within the customer service network. Even when referring to pre-paid customer service accounts associated with service cards, Henderson explains that although “a user can dial a predetermined access number to access the service card network,” the network routes the call via a bridging switch to a service control point, which then further routes the call to a voice port on an IP network, before finally triggering a software application for pre-paid card services (Figs. 3, 4; 8:35-44). In other words, the communications network of the Henderson reference that routes a phone call from a customer who, in this case, wants to recharge the balance in a pre-paid account, is entirely independent of and external to the calling device used by the customer to place the call.

The Henderson reference also is nonanalogous art as it is neither within the field of applicants’ endeavor nor reasonably pertinent to the subject matter for which protection is being sought. Henderson instead is concerned with routing a customer phone call through a service network that exists independent of and external to a phone used by the customer to place the call. For example, Henderson suggests providing a customer with a service card that bears information regarding the customer’s account, a practice explained in the application to be provided because it is “difficult for the user to remember the access number of the customer service representative, and the telephone card containing the access number may become lost or difficult to locate [and thus,] alternative approaches for recharging a stored-value calling account are desirable” (page 2, lines 17-21).

Thus, since neither reference alone discloses at least the aforementioned elements of a wireless telephone device with an associated stored-value calling account, or a recharge option configured to initiate a recharge transaction in order to add calling units to the stored-value calling account, no combination of the references suffice to support the rejection of the claims under 35 U.S.C. § 103(a). Moreover, since the disclosures of the Smith and Henderson references are related

only when the aforementioned limitations are assumed to be disclosed therein, the combination is based on hindsight reconstruction. Thus, for at least the reasons discussed above, applicants respectfully request withdrawal of the rejection of claims 24, 45, 46, 53, and 55.

Moreover, with respect to claim 55, the Office action asserts that Henderson teaches that “during a recharging procession, authentication can be performed.” However, regardless of whether this is an accurate characterization of the disclosure of Henderson, such authentication is not described to serve as application of fraud detection measures, insofar as the term is recited in claim 55 and used in the specification. Instead, Henderson describes that a customer is prompted for a credit card and that authorization of the charge is attempted (17:24-26). If authentication fails, the customer may attempt to try a new credit card number, or terminate the transaction (17:26-29). Applicants note that this procedure details none of the exemplary fraud detection steps disclosed in the specification, and is simply limited to a rudimentary authorization check prior to processing the charge. No fraud indicators are identified, no risk level is assessed, no procedures are described to determine actions based on comparison of the risk level with a predetermined threshold; in short, the Henderson authentication procedure fails to disclose the fraud detection measures recited in claim 55 in light of the specification. For at least this additional reason discussed above, applicants respectfully submit that the rejection of claim 55 should be withdrawn.

Claims 40, 52, and 55 were rejected as being unpatentable over Suryanarayana in view of Henderson. As demonstrated above, Suryanarayana is not valid prior art because of applicants’ prior invention of the subject matter recited in the claims rejected under 35 U.S.C. § 102(e) over the reference. Also, as shown in the above remarks, neither the Suryanarayana nor the Henderson references disclose at least the limitation of a “*recharge option in a wireless*

telephone device ... being configured to initiate a recharge transaction, in order to add calling units to a stored-value calling account associated with the wireless telephone device” as recited in claim 55 and claims 24 and 27, from which claims 40 and 52 depend, respectively. Accordingly, applicants traverse the rejection of claim 40, 52, and 55 over this combination and respectfully request that the rejection be withdrawn for at least this reason.

Moreover, with respect to claim 55, as mentioned above, the Office action concedes that “Suryanarayana fails to teach ... fraud detection measures.” As demonstrated above, Henderson similarly fails to teach or suggest fraud detection measures. As such, applicants respectfully note that no combination of the cited references suffice to disclose at least this element of claim 55. Thus, for at least this additional reason, applicants submit that the rejection of claim 55 should be withdrawn.

Claim 54 was rejected as being unpatentable over Raith in view of Suryanarayana. As demonstrated above, Suryanarayana is not valid prior art because of applicants’ prior invention of the subject matter recited in the claims rejected under 35 U.S.C. § 102(e) over the reference. As such, because the Office action explains that Raith “fails to teach” both “*detecting that the balance is lower than a predetermined threshold*” and “*presenting a recharge option to a display of the device*” as recited in claim 54, the Raith reference alone does not suffice to support the rejection of claim 54.

However, even ignoring applicants’ prior invention of the subject matter recited in the claims rejected over the Suryanarayana reference, applicants submit that the rejection is improper, because the disclosure of Raith fails to cure the deficiencies of Suryanarayana. For example, claim 54 recites, in part, “*a recharge option ... configured to initiate both a connection to a communication network and a recharge transaction, in order to add calling units to the stored*

value calling account.” As demonstrated above, Suryanarayana fails to disclose such a recharge option. Similarly, since the entire disclosure of Raith is limited to the communication of cumulative usage information to a user of a wireless communication device (6:5-10), being entirely unconcerned with presenting the user with options to recharge a stored-value account associated with the device (such as, for example, a recharge option as recited in claim 54), Raith cannot cure the failure of Suryanarayana to teach, disclose or suggest at least this limitation. As such, no combination of the Suryanarayana and Raith references can suffice to render obvious claim 54. Thus, for at least the aforementioned reasons, applicants respectfully request withdrawal of the rejection.

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowance covering the pending claims. Please charge any additional fees required, or credit any overpayments, to our Deposit Account No. 11-1540. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

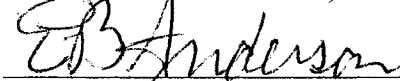
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on December 22, 2005.


Stephen R. Pendleton

Respectfully submitted,

KOLISCH HARTWELL, P.C.



Edward B. Anderson

Registration No. 30,154

Customer No. 23581

Attorney for Applicants/Assignee

520 S.W. Yamhill Street, Suite 200

Portland, Oregon 97204

Telephone: (503) 224-6655

Facsimile: (503) 295-6679